10/19/04



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark John McGrath

Serial No.

09/713,420

Filed

November 15, 2000

For

DATA PROCESSOR AND DATA PROCESSING METHOD

Examiner

James A. Fletcher

Art Unit

2615

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## NOTICE OF APPEAL UNDER 37 C.F.R. §1.191 FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from

the Examiner's Decision, in the Final Office Action dated April 19, 2004, finally rejecting

claims 1, 6, 7, 9-14, 16-20, 26, 28-33 and 35-42.

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01 FC:1253

10/20/2004 SLUANG1 00000013 09713420

02 FC:1401

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The item(s) checked below are appropriate:

- (1) [X] This response is being filed within the third month following the expiration of the term originally set therefor. This is a petition to request a three-month extension of time. A check in the amount of \$980.00 covering the cost of the petition is enclosed.
- (2) [X] Notice of Appeal Fee Under 37 C.F.R. §1.17(b): \$340.00
  - [X] Enclosed
  - [] Not required (Fee paid in prior appeal)
- (3) [X] Please charge any additional fees incurred by reason of this response or credit any overpayment to Deposit Account No. 50-0320.
- (4) [X] An Oral Hearing is requested.

(Two additional copies of the Notice are enclosed herewith).

Respectfully submitted, FROMMER LAWRENCE & HAUG LLP

By:

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